

Draft Environmental Assessment

Proposed Black Bridge Fishing Access Site Acquisition



March 13, 2006



***Montana Fish,
Wildlife & Parks***

**Proposed Black Bridge Fishing Access Site Acquisition
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST**

PART I. PROPOSED ACTION DESCRIPTION

1. Type of Proposed Action:

Development	_____
Renovation	_____
Maintenance	_____
Land Acquisition	_____X
Equipment Acquisition	_____
Other (Describe)	_____

- 2. Agency authority for the proposed action:** The 1977 Montana Legislature enacted statute 87-1-605 MCA, which directs Montana Fish, Wildlife & Parks (MFWP) to acquire, develop, and operate a system of fishing accesses. The legislature established a funding account to ensure that this function would be accomplished. Sections 12-8-213, 23-1-105, 23-1-106, 15-1-122, 61-3-321, and 87-1-303, MCA, authorize the collection fees and charges for the use of state park system units and fishing access sites, and contain rule-making authority for their use, occupancy, and protection.

Section 23-1-110 MCA, or House Bill 495, and the guidelines established in 12.8.604 (ARM) (1) relate to changes in state park and fishing access site features or use patterns. The proposed acquisition will not change site features or historical use; therefore, Section 23-1-110 MCA is not initiated by the proposed fishing access site acquisition. See **APPENDIX 1**.

2. Name of Project

Proposed Black Bridge Fishing Access Site Acquisition

3. Name, Address and Phone Number of Project Sponsor

Allan Kuser
Fishing Access Site Coordinator
Montana Fish, Wildlife & Parks
PO Box 200701
Helena, MT 59620
406-444-7885

Brad Schmitz
Region 7 Fisheries Manager
Montana Fish, Wildlife & Parks
PO BOX 1630
Miles City, MT 59301
406-234-0914

4. **If Applicable:**
Estimated Construction/Commencement Date: NA
Estimated Completion Date: NA
Current Status of Project Design (percentage complete): NA
5. **Location Affected by Proposed Action (county, range, and township)**
The proposed Black Bridge Fishing Access Site (FAS) is located in sections 34 and 35, Township 16 North, Range 55 East, at Glendive in Dawson County, Montana.
The proposed acquisition is 71 acres.

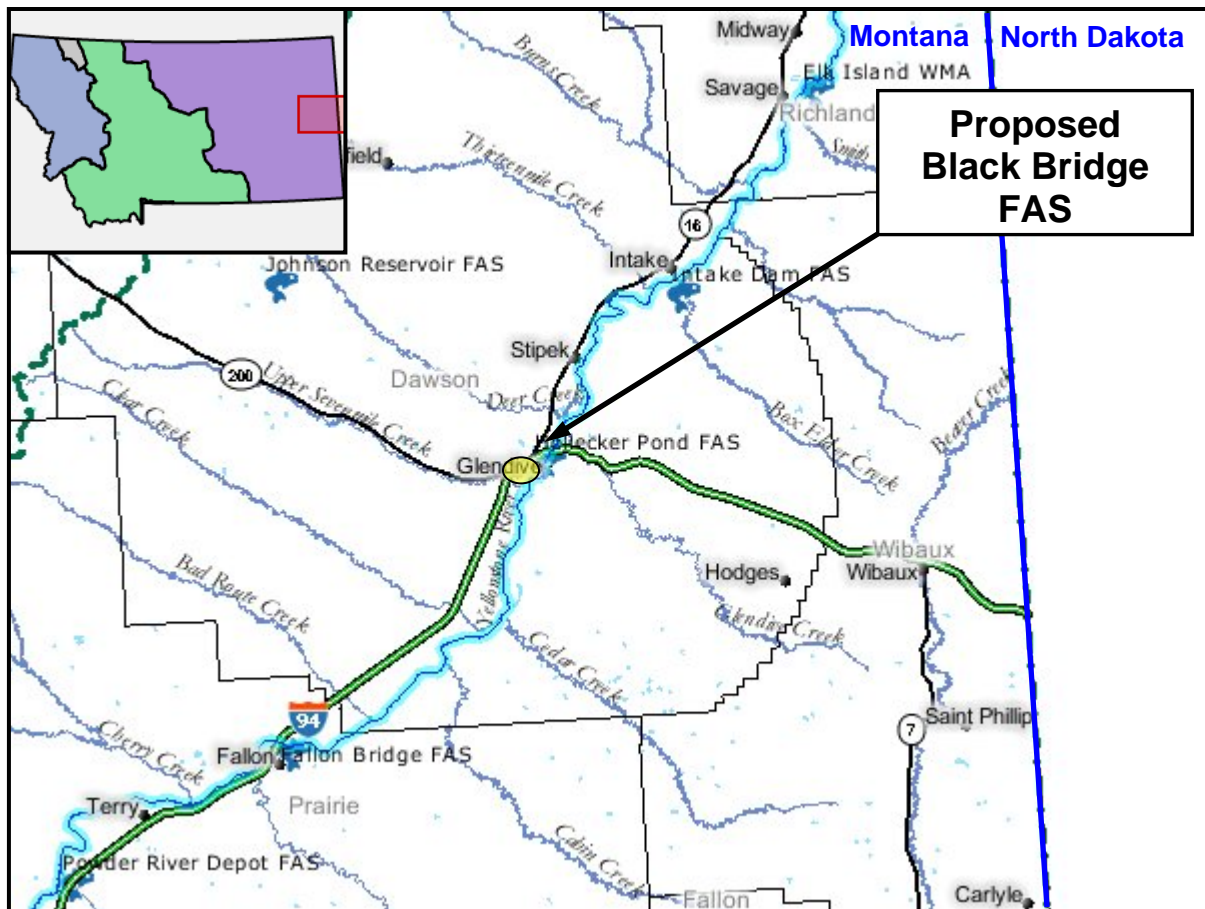


Figure 1: Yellow circle delineates location of proposed Black Bridge FAS. Blue line delineates Montana-North Dakota border.

6. Project Size: Estimate the number of acres that would be directly affected that are currently:

- | | | | | | |
|-----|---|-----|--------------------------|-----------|-------|
| (a) | Developed: | (d) | Floodplain | <u>71</u> | acres |
| | Residential..... | | | <u>0</u> | acres |
| | Industrial..... | | | <u>0</u> | acres |
| (b) | Open Space/Woodlands/
Recreation | (e) | Productive: | | |
| | | | Irrigated cropland | <u>40</u> | acres |
| | | | Dry cropland | <u>0</u> | acres |
| | | | Forestry..... | <u>0</u> | acres |
| | | | Rangeland | <u>0</u> | acres |
| (c) | Wetlands/Riparian
Areas | | Other | <u>0</u> | acres |
| | | | | <u>31</u> | acres |

7. Map/site plan

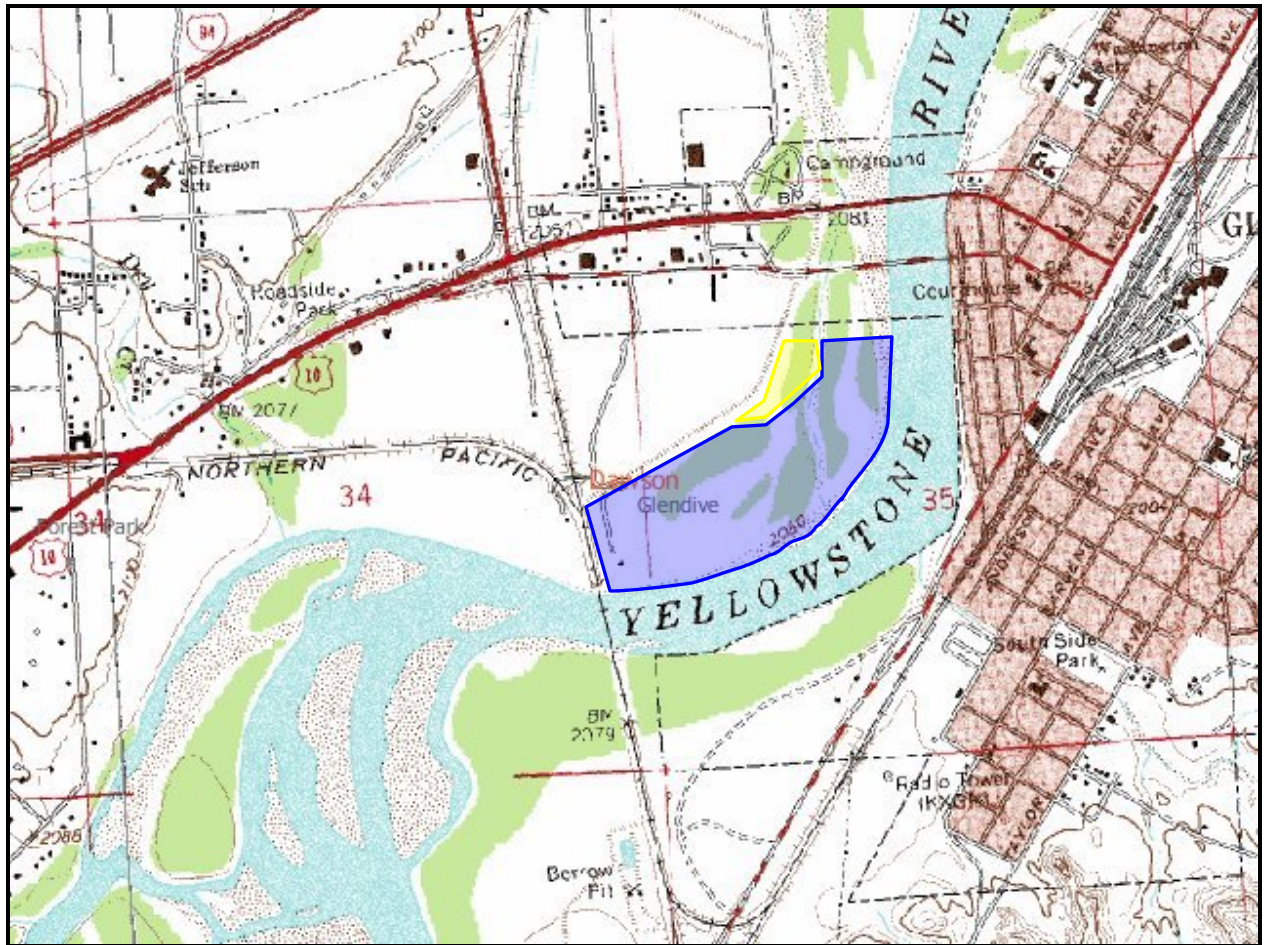


Figure 2: Topographic map depicting approximate boundaries (blue polygon; 71 acres) of the proposed Black Bridge FAS (Base photo source: Montana Natural Resources Information Service Topofinder II). Yellow polygon depicts the approximate boundaries of City of Glendive property (9.4 acres) adjacent to the proposed FAS.



Figure 3: Aerial Photograph depicting approximate boundaries (blue polygon; 71 acres) of the proposed Black Bridge FAS (Base photo source: Montana Natural Resources Information Service Topofinder II).

8. Listing of any other Local, State, or Federal agency that has overlapping or additional jurisdiction.

(a) Permits:

<u>Agency Name</u>	<u>Permit</u>	<u>Date Filed/#</u>
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No permits needed for this land acquisition.

(b) Funding:

<u>Agency Name</u>	<u>Funding Amount</u>
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Montana Fish & Wildlife Conservation Trust	\$60,000
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(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
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None

9. Narrative summary of the proposed action including the benefits and purpose of the proposed action.

Montana Fish, Wildlife & Parks proposes to acquire a 71-acre property along the Yellowstone River at Glendive to serve as a public fishing access site. There is a substantial need for public river access to the Yellowstone River near Glendive. The Black Bridge FAS would be the only FAS on the Yellowstone River between Fallon FAS and Intake FAS (53 river miles). The property is also attractive for public use because of its proximity to Glendive, the high quality of the river fishery in the reach, the onsite wildlife habitat, and the history of public use provided by the landowner. In addition, there is a good potential site for development of a boat ramp.

Property Description

The proposed Black Bridge property is located adjacent to the Yellowstone River and lies across the river from Glendive, Montana, in Dawson County. The property lies between the Bell Street Bridge (walking bridge) and the Black Bridge (Burlington Northern Railroad Bridge; Picture 1). The south and east sides of the property are bordered by the Yellowstone River, the southwest side is bordered by the Burlington Northern Railway, the west side is bordered by a county constructed levee, and the north side is privately owned. The north, west, and east boundaries are fenced with steel post and four wire barb fences in fair condition. Land owned by the City of Glendive (9.4 acres) is fenced into the proposed FAS.

The proposed FAS is 71 acres of floodplain property consisting of 0.75 miles of river frontage (Picture 2), a stand of mature cottonwood trees (Picture 3), and a large hay field (Picture 4). The field has been cut every year, with two or three cuttings per season. Alfalfa, brome grass, or wheat grass were the typical crop rotations. There is a location appropriate for development of a boat launch (Picture 1). Pheasants, turkeys, deer, songbirds, fox, raccoon, and skunk currently use the property. An existing trail forms a loop through the property, part of which is adjacent to the river. The existing trail provides excellent opportunities for fishing, camping, and hiking.



Picture 1: Picture was taken looking west and shows the Black Bridge crossing the Yellowstone River. Bank in the foreground is a potential, future boat-launch site.



Picture 2: Picture was taken from Black Bridge looking east at the bank of the Yellowstone River. Road in the background is the access road on property.

The current landowner has allowed public access to his property since ownership in 1974. Recreational activities that have occurred are camping, fishing, hiking, dog walking, boating, snowmobiling, four wheeling, ice skating and agate hunting. Hunting (firearm or archery) has not been permitted on the property. Recreationists have had open access to this property. The current landowner has maintained a safe recreation area by removing garbage, thinning trees, and removing dead trees.



Picture 3: Cottonwood forest located in the NE corner of the property.

The Yellowstone River has survived as one of the last, large, free-flowing rivers in the continental United States. Lack of mainstem impoundments allows spring peak flows and fall and winter low flows to influence a unique ecosystem and aesthetic resource. From the clear, coldwater cutthroat trout fishery in Yellowstone National Park to the warmer water habitat at its mouth, the river supports a variety of aquatic environments that remain relatively undisturbed. The adjacent terrestrial environment, through most of the 550 Montana miles of river, is an impressive cottonwood-willow bottomland. The river has been a major factor in the settlement of southeastern Montana, and retains much cultural and historical significance. Game fish opportunities include burbot, channel catfish, paddlefish, sauger, smallmouth bass, and walleye.



Picture 4: Hayfield located at the property. Picture was taken in the SW corner of property looking NE.

The Montana Natural Heritage Program (MNHP) located eight species of concern within one mile of the proposed Black Bridge FAS: two plant species (bittersweet and bractless mentzelia) and six animal species (pallid sturgeon, sturgeon chub, paddlefish, blue sucker, spiny softshell turtle, and meadow jumping mouse). Ownership and management by MFWP would ensure that human use of the property would be managed to protect habitat and wildlife populations while providing public access. Therefore, habitat and the diversity of game and non-game animals would not be adversely affected by this action.

The Montana Noxious Weed Trust Fund through the Weed Survey and Mapping System project located leafy spurge and spotted knapweed at the site. If MFWP acquires the property, the site will be managed in accordance with the MFWP Region 7 Weed Management Plan. MFWP will contract with either the county or private herbicide

applicator, in addition to providing mechanical and biological control.

The Land Acquisition Transaction

In Fall 2004 the Glendive Chapter of Walleyes Unlimited signed a purchase agreement with landowner Harold Skartved and paid \$5,000 in earnest money as part of an agreed upon \$65,000 purchase price. In August, the Montana Fish and Wildlife Conservation Trust (MFWCT) approved Walleyes Unlimited's application for a \$60,000 grant to complete the property purchase, but conditioned the grant on management of the site by MFWP. Walleyes Unlimited agreed to that condition. In March 2006, Walleyes Unlimited purchased the Black Bridge property from the landowner, using the MFWCT grant along with Walleyes Unlimited's earnest money. Prior to that purchase, Walleyes Unlimited and Montana Fish, Wildlife & Parks executed a follow-up purchase agreement allowing MFWP to acquire the property from Walleyes Unlimited for the nominal price of \$1. MFWP will only exercise this right to buy the property from Walleyes Unlimited if MFWP successfully completes this environmental assessment/public participation process and secures final approval for the purchase from the Montana Fish, Wildlife & Parks Commission. In the event that the MFWP Commission does not ultimately approve the acquisition, the Black Bridge property would remain under the ownership and management of the Glendive Chapter of Walleyes Unlimited. The chapter is committed to managing the property for public recreation, including fishing access.

Additional Property Considerations

Appraisal

MFWP commissioned an independent property appraisal, which placed the value of the land at \$87,000 as of January 20, 2006. Although this appraised value exceeds the purchase price, the landowner had intended throughout the acquisition process to offer the property at a bargain price of \$65,000 and he concluded his sale to Walleyes Unlimited at that price.

Access

Physical access to the Black Bridge property leads from a public street (Bell Street) in West Glendive and then along a short dirt track onto to an elevated flood control dike owned by Dawson County. This physical access is adequate for a pickup truck to drive onto and off the dike, but the road is not currently in condition for general public access.

After site acquisition, Walleyes Unlimited is prepared to work in cooperation with MFWP to develop the approach ramps so that they are suitable for public driving access over the levee and onto the property.

Legal access to the property is provided by a grant of public access by the Dawson County Commission, documented in a letter from the Commission to Walleye's Unlimited dated November 9, 2004. Although the grant was made to Walleyes Unlimited, it is transferable, if the land to be accessed is managed for public recreation. MFWP management will be consistent with this public recreation requirement and the other provisions of the grant of access.

Water Rights

The water right for the property consists of a statement of claim, properly filed with DNRC, for 2,500 gpm from the Yellowstone River for 40 acres of irrigated land. This basin has not yet been adjudicated, so virtually all water rights are considered as claims. The water right claim has a priority date of 1927. The water right will transfer to MFWP when the land purchase is completed.

Initial Public Participation

Letters of support for this project were submitted to Walleyes Unlimited during its process of requesting the initial grant. The School Resource Officer of the Glendive Police Department expressed his approval and need for public access to the Yellowstone River for all types of recreation. The executive Director of the Boys and Girls Club of Dawson County expressed their support for public access on the Yellowstone River. They cited the importance of this unique and under-utilized recreational resource near Glendive for local youth. The President of the Dawson County Rod and Gun Club also expressed the need for and the club's support of public access to the Yellowstone River near Glendive for recreation.

Future Development of the Site

This EA addresses only the acquisition of the proposed FAS and does not evaluate any development on the property. A separate EA would be prepared and made available for public comment in advance of any site development plans. However, it is prudent to discuss long-term plans for the property within this document.

Once MFWP acquires the Black Bridge property, it will be managed as part of the FAS program, which includes about 320 sites statewide. An access road, parking area and vault latrine are all typical attributes of a MFWP FAS. In addition, MFWP plans to develop a public boat launching facility at the site, pending engineering studies and successful completion of the public review process for site development. Based on the existing record of community endorsements for the project, strong public support is anticipated for boat ramp development. No decision has been made regarding camping or firearm restrictions at the site. These will be addressed in a future EA. Finally, there is the potential for habitat restoration at the site depending on funding through other sources.

If MFWP acquires the proposed FAS, MFWP will control noxious weeds in accordance with the MFWP Region 7 Weed Management Plan. This plan calls for an integrated method of managing weeds, including the use of herbicides.

PART II. ENVIRONMENTAL REVIEW

- 1. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a comparison of the alternatives with the proposed action/preferred alternative:**

Alternative A: No Action

Acquisition of land on the Yellowstone River near Glendive is a high priority for MFWP. If the site is not purchased by MFWP, there will continue to be a lack of public access on a 53-mile section of the Yellowstone River between Fallon Bridge FAS and Intake FAS.

Alternative B: Purchase the Black Bridge Property

Purchase of the 71-acre Black Bridge Property (proposed FAS) would increase recreational opportunities on the Yellowstone River. The proposed FAS is located near Glendive, where the closest public access to the Yellowstone River is 15 miles south at Fallon FAS or 25 miles north at Intake FAS. Many local groups have expressed the need for and interest in public access to the Yellowstone River near Glendive. The proposed FAS is attractive for public use because of its proximity to Glendive, the high quality of the Yellowstone River fishery, the onsite wildlife habitat, and the history of public use provided by the landowner.

- 2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

Not applicable

PART III. NARRATIVE EVALUATION AND COMMENT

This analysis did not reveal any significant impacts to the human or physical environment.

The proposed action consists only of transfer of ownership from Mr. Skartved to the State of Montana. No additional construction or improvements of any kind are included in this proposal.

PART IV. PUBLIC PARTICIPATION

- 1. Describe the level of public involvement for this project if any, and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances.**

The public will be notified in the following ways to comment on the EA of the proposed Black Bridge FAS acquisition:

1. Legal notices will be published in the *Helena Independent Record*, the *Billings Gazette*, and the *Glendive Ranger Review*.

2. Legal notice and the draft EA will be posted on the MFWP web page: <http://fwp.mt.gov/publicnotices>

This level of public involvement is appropriate for a project of this small scale.

2. Duration of comment period, if any.

The public comment period will be 30 days. Comments may be emailed to brschmitz@mt.gov, or written comments may be sent to the following address:

Brad Schmitz
Region 7 Fisheries Manager
Montana Fish, Wildlife & Parks
PO Box 1630
Miles City, MT 59301

PART V. EA PREPARATION

**1. Based on the significance criteria evaluated in this EA, is an EIS required?
NO**

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the proposed action: therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis.

2. Name, title, address, and phone number of the person(s) responsible for preparing the EA:

Allan Kuser	Brad Schmitz	Sally Schrank
MFWP FAS Coordinator	MFWP Reg. 7 Fisheries Manager	Ind. Contractor
1420 East Sixth Ave	PO Box 1630	112 Riverview C
Helena, MT 59601	Mile City, MT 59301	Great Falls, MT 59404
(406) 444-7885	(406) 234-0914	(406) 268-0527

3. List of agencies consulted during preparation of the EA:

Montana Fish, Wildlife & Parks
Parks Division, Region 7
Wildlife Division, Region 7
Fisheries Division, Region 7
Lands Section

Montana Natural Heritage Program—Natural Resources Information System
PO Box 201800
1515 East Sixth Avenue
Helena, MT 59620-1800

PART VI. MEPA CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 1a. The proposed action involves only a transfer of ownership of property and does not include development or physical alteration of the property of any kind. All future development at the proposed FAS will be considered in a separate EA.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

2. <u>AIR</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		X				2a.
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge which will conflict with federal or state air quality regs? (Also see 2a)		NA				
f. Other		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

- 2a. The proposed action involves only a transfer of ownership of property and does not include development or physical alteration of the property of any kind. All future development at the proposed FAS will be considered in a separate EA.

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

3. <u>WATER</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?			X			3i.
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c)		NA				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		NA				
n. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

- 3a. The proposed action involves only a transfer of ownership of property and does not include development or physical alteration of the property of any kind. All future development at the proposed FAS will be considered in a separate EA.
- 3i. The water right for the property consists of a statement of claim for 2,500 gpm from the Yellowstone River for 40 acres of irrigated land. This basin has not yet been adjudicated, so virtually all water rights are considered as claims. The water right claim has a priority date of 1927. The water right will transfer to MFWP when the land purchase is completed.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

4. <u>VEGETATION</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			4a.
b. Alteration of a plant community?			X			See 4a.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X			4e.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		NA				
g. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 4a. The proposed action involves only a transfer of ownership of property and does not include development or physical alteration of the property of any kind. All future development at the proposed FAS will be considered in a separate EA. Ownership and management by MFWP would ensure that human use of the property would be managed in accordance with regulations that protect habitat while providing public access. Therefore, it is reasonable to expect that the diversity of plants would improve to a minor degree because of this action and species of concern would be protected.
- 4c. The Montana Natural Heritage Program (MNHP) located two plant species of concern within one mile of the proposed Black Bridge FAS: bittersweet *Celastrus scandens* and bractless mentzelia *Mentzelia nuda*. Bittersweet is listed as S1, G5 by the MNHP. The S1 ranking indicates the species is at high-risk of extirpation in the state. The G5 ranking indicates the species is not vulnerable globally. Bractless mentzelia is listed as sensitive by the U.S. Bureau of Land Management (USBLM) and S3, G5 by MNHP. The S3 ranking indicates the species is potentially at risk of extirpation in the state. The G5 ranking indicates the species is not vulnerable to extinction globally. As stated in 4a, ownership and management by MFWP would ensure that human use of the proposed FAS would be managed in accordance with regulations that protect habitat while providing public access. Therefore, it is reasonable to expect that the diversity of plants would improve to a minor degree because of this action and species of concern would be protected.
- 4e. Leafy spurge and spotted knapweed are present at the proposed site. Increased recreational use may increase weeds present at the site. MFWP will initiate weed control and weed monitoring of the proposed site with acquisition of the land. Weed control would follow MFWP Region 7 Weed

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

Management Plan, including chemical, mechanical, and biological control methods. Region 7 will contract with Dawson County for chemical control and possibly contract to have sheep graze leafy spurge infestations if conditions warrant.

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

5. <u>FISH/WILDLIFE</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Deterioration of critical fish or wildlife habitat?			X			5a.
b. Changes in the diversity or abundance of game animals or bird species?			X			See 5a.
c. Changes in the diversity or abundance of nongame species?			X			See 5a.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X			See 5a.
h. <u>For P-R/D-J</u> , will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)		NA				
i. <u>For P-R/D-J</u> , will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		NA				
j. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

5a. The proposed action involves only a transfer of ownership of property and does not include development or physical alteration of the property of any kind. All future development at the proposed FAS will be considered in a separate EA. Ownership and management by MFWP would ensure that human use of the property would be managed in accordance with regulations that protect habitat and wildlife populations while providing public access. Therefore, it is reasonable to expect that habitat and the diversity of game and non-game animals would improve to a minor degree because of this action.

5f. The proposed action involves only a transfer of ownership of property and does not include development or physical alteration of the property of any kind. All future development at the proposed FAS will be considered in a separate EA. The acquisition of land should not negatively affect any species. As stated in 5a, it is reasonable to expect that habitat and the diversity of game and non-game animals would improve to a minor degree because of this action.

MNHP located six animal species of concern within one mile of the proposed Black Bridge FAS: pallid sturgeon *Scaphirhynchus albus*, sturgeon chub *Macrohybopsis gelida*, paddlefish *Polyodon spathula*, blue sucker *Cycleptus elongatus*, spiny softshell *Apalone spinifera*, and Meadow jumping mouse

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

Zapus hudsonius).

Pallid sturgeon is listed as endangered by the U.S. Fish & Wildlife Service (USFWS) and the U.S. Forest Service (USFS), and S1, G1 by MNHP. The S1 ranking indicates the species is at high-risk of extirpation in the state. The G1 ranking indicates the species is at high-risk of extirpation globally. There will be no impacts to this species from the proposed action.

Sturgeon chub is listed as sensitive by USFS and USBLM and S2, G3 by MNHP. The S2 ranking indicates the species is at risk of extirpation in the state. The G3 ranking indicates the species is potentially at risk of extinction globally. There will be no impacts to this species from the proposed action.

Paddlefish is listed as sensitive by USBLM and S2S3, G3G4 by MNHP. The S2S3 ranking indicates the species is at risk or potentially at risk of extirpation in the state. The G3G4 ranking indicates the species is potentially at risk or uncommon globally. There will be no impacts to this species from the proposed action.

Blue sucker is listed as sensitive by USBLM and S2S3, G3G4 by MNHP. The S2S3 ranking indicates the species is at risk or potentially at risk of extirpation in the state. The G3G4 ranking indicates the species is potentially at risk or uncommon globally. There will be no impacts to this species from the proposed action.

Spiny softshell is listed as sensitive by USBLM and S3, G5 by MNHP. The S3 ranking indicates the species is potentially at risk of extirpation in the state. The G5 ranking indicates the species is not vulnerable to extinction globally. A survey of spiny softshell in recent years has not located any turtles near the site. Acquisition of the property could only be a good thing for this species of interest.

Meadow jumping mouse is listed as S2 and G5 by the MNHP. The S2 ranking indicates the species is at risk of extirpation in the state. The G5 ranking indicates the species is not vulnerable to extinction globally. The MNHP record is a 1947 record of an animal captured along the Yellowstone River in Glendive. It is likely that with appropriate riparian habitat, the species is common. Acquisition of the property could only be a good thing for this species of interest.

There is a possibility of bald eagles in the area. There is no known nest; however, if an eagle nest is located at the proposed FAS, MFWP will follow the Montana Bald Eagle Management Plan adopted in July of 1994. There should be minimal impacts on bald eagles with the acquisition of the proposed FAS due to the sites close proximity to the city of Glendive and the history of past public use of the site as allowed by the current owner.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Increases in existing noise levels?		X				6a.
b. Exposure of people to serve or nuisance noise levels?		X				6b.
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

6a. The proposed action involves a transfer of ownership of property and does not involve construction or development of any kind. All future development at the proposed FAS will be considered in a separate EA.

6b. Noise caused by recreational use will increase, but should not be a nuisance to any neighbor.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown*	None	Minor	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other: _____		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 7a. The proposed action involves only a transfer of ownership of property and does not include development or physical alteration of the property of any kind. All future development at the proposed FAS will be considered in a separate EA.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

8. <u>RISK/HEALTH HAZARDS</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		NA				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 8a. The FWP Region 7 Weed Management Plan calls for an integrated method of managing weeds, including the use of herbicides. The use of herbicides would comply with application guidelines and conducted by people trained in safe handling techniques. Weeds would also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination.

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

9. <u>COMMUNITY IMPACT</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				9a.
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 9a. MFWP will follow the guidelines of the good neighbor policy for public recreation lands (MCA 23-1-126.) to have “no impact upon adjoining private and public lands by preventing impact on those adjoining lands from noxious weeds, trespass, litter, noise and light pollution, streambank erosion and loss of privacy.”

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify: _____		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased used of any energy source?		X				
e. Define projected revenue sources						10e.
f. Define projected maintenance costs.						10f
g. Other: _____						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 10b. Montana Fish, Wildlife & Parks pays taxes “in a sum equal to the amount of taxes which would be payable on county assessment were it taxable to a private citizen” (MCA 87-1-603). Therefore, there will be no effect of this action on the local tax base.
- 10e. No revenue will be directly collected by the operation of this site. Day use at state fishing access sites is free.
- 10f. It is anticipated that initial maintenance costs will be \$1,000 annually to cover weed control measures. Maintenance costs associated with development will be covered in a future EA.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

11. <u>AESTHETICS/RECREATION</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)			X			11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		NA				
e. Other:		NA				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 11c. The proposed FAS will increase the quality and quantity of tourism on the Yellowstone River. There is substantial need for public river access to the Yellowstone River near Glendive. The proposed Black Bridge FAS would be the only FAS on the Yellowstone River between Fallon FAS and Intake FAS (53 river miles).

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

12. <u>CULTURAL/HISTORICAL RESOURCES</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)		NA				12d.
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 12a. In a future EA the MFWP shall identify any heritage properties that are located on department lands within the area affected by a proposed project and shall consult with the SHPO regarding how to address any impacts the project would have on the cultural site.
- 12d. The acquisition of property is not a project or undertaking as defined by MFWP cultural resource policy in enacted under the State Antiquities Act.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action, considered as a whole:						
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		NA				
g. For P-R/D-J, list any federal or state permits required.		NA				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

APPENDIX 1

23-1-110 MCA EXEMPTION FORM Proposed Black Bridge Fishing Access Site Acquisition

Use this form when a park improvement or development project meets the criteria identified in 12.8.602 (1) ARM, but determined to NOT significantly change park features or use patterns.

State Park or Fishing Access Site Project Description

Montana Fish, Wildlife & Parks proposes to purchase the Black Bridge Property (71 acres) using funds from the Montana Conservation Fish and Wildlife Trust, for creating an additional Fishing Access Site on the Yellowstone River.

The project does not significantly change park or fishing access site features or use patterns.

Reason for exemption is provided across from the appropriate item below.

12.8.602 (ARM) (1)	Reason for Exemption
(a) Roads/trails	No new roads/trails
(b) Buildings	No new buildings
(c) Excavation	None
(d) Parking	No new parking
(e) Shoreline alterations	None
(f) construction into water bodies	None
(g) construction w/impacts on cultural artifacts	None
(h) Underground utilities	No new utilities
(i) Campground expansion	None-day use only

Some activities considered that do not significantly impact site features or use patterns include signing, fencing, barriers, road grading, garbage collection, and routine maintenance.

Signature (Sally Schrank) Date January 22, 2006